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NO.

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ALEXANDER L. STEVENS

CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1984

STANLEY J. PERWIN,
Petitioner,

vs.

ROBERT N. WILENTZ, Chief Justice, Supreme Court of
New Jersey, *et al.,*
Respondents.

**PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT**

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Statement of Questions Involved

1. Whether the United States District Court may refuse to exercise jurisdiction over a constitutional challenge to the rules or lack thereof for re admission to the bar of the court of a state.

2. Whether an announced policy of no reinstatement for an attorney once disbarred is contrary to the due process clause of the 14th Amendment to the Constitution of the United States.

3. Whether the failure of the Court, having jurisdiction over the admission to the practice of law, to establish standards differentiating between the levels of punishment or discipline of attorneys denies equal protection of the law.



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STANLEY J. PERWIN,

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Respondents.

**PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT**

Stanley J. Perwin, your petitioner, prays that a writ of certiorari issue to review the Judgment of the United States Court of Appeals for the Third Circuit, entered in the above-entitled case on July 24, 1984.

Opinion Below

The opinion of the court below (*infra* Appendix A, pp. 1a to 4a) has not yet been reported.

Jurisdiction

The judgment of the Court of Appeals was entered on July 24, 1984. The jurisdiction of this Court is invoked under Title 28 U.S.C. Sec. 1254(1).

Constitutional Provisions Involved

The terms of the 14th Amendment to the United States Constitution are set forth in full (*infra*, Appendix B).

Statement of the Case

Stanley J. Perwin, the Petitioner, was an attorney in the State of New Jersey who was disbarred by order of the Supreme Court of that State in 1972.¹

The Supreme Court of New Jersey at the time of disbarment provided in a reported opinion that if Mr. Perwin should prevail in efforts to set aside the criminal conviction which formed the basis for the order of disbarment, then

“ . . . he may apply to us for reconsideration of this order.”

Perwin applied for reinstatement in 1974 having been successful in the United States District Court on a Petition for Writ of Habeas Corpus. At the time of his application for reinstatement the indictments upon which the convictions had been based had been dismissed. The Supreme Court after referring the matter to a County Ethics Committee denied Perwin's application without

¹ *In Re Perwin*, 287 A.2d 3, 60 N.J. 174 (1972).

opinion. Approximately five years later Perwin again applied for reinstatement and the Supreme Court of New Jersey denied his application again, this time without a hearing or an opinion.

Perwin then filed an action in the United States District Court of the District of New Jersey under Title 42 U.S.C. Sec. 1983 against *inter alia* the Chief Justice and Associate Justices of the Supreme Court of New Jersey alleging that his constitutional rights had been infringed. It should be noted that the action taken in the United States District Court was cornered on the complaint by Perwin that though the State of New Jersey had in various ways announced a policy of no reinstatement once there was a disbarment the State had indeed on three separate occasions in recent years entered an order of reinstatement. It was further his complaint that while the Supreme Court of New Jersey administered the disciplinary rules on a "case by case" basis there was no standard by which a delinquent attorney could anticipate the measure of the discipline which would be meted out to him. It was pointed out that in recent years in the State of New Jersey attorneys who had been convicted of serious offenses were merely suspended while others involved in less egregious crimes were disbarred. The methods of imposing disciplinary sanctions were not even-handed but gave the impression that the court may have showed favoritism.

Upon motion by the attorney representing the Supreme Court of New Jersey, the District Judge granted summary judgment for the defendants concluding that the District Court had no subject matter jurisdiction to review a decision of the State's highest court. The District Court further held that even if Perwin's challenge to the disciplinary rules was cognizable such a challenge was barred by the Doctrine of Collateral Estoppel because the complaint had been presented to the Supreme Court of New Jersey which had rejected those claims.

Perwin appealed the decision of the District Court to the Court of Appeals for the Third Circuit. That Court after argument affirmed the District Court. The Circuit Court came to essentially the same conclusion as did the District Court and decided the matter on the basis that the New Jersey Court had adjudicated the claims of Perwin and had rejected them. The Court refused to consider that Perwin's action in the District Court was a new independent action complaining not about the decision of the New Jersey Supreme Court in the matter adjudicated by it, but complaining instead about the manner by which the Supreme Court of New Jersey administered attorney disciplinary proceedings.

Reasons for Granting the Writ

This case presents important questions concerning attorney discipline. It raises the issue of whether a Supreme Court of a State can meet out sanctions to errant attorneys without establishing standards for such sanctions. The Court of Appeals has held that the District Court was without jurisdiction to consider an attack made upon the lack of disciplinary rules concerned with penalties to be imposed upon subject attorneys. As a result, this Petitioner has no place to turn for relief from what may be an arbitrary adverse decision by the sole agency charged with responsibility for determining the qualifications of members of the bar. In this case the Supreme Court of New Jersey invited the application by Perwin and on two separate occasions turned him down without opinion. The Court has never stated why Perwin who petitioned the Court on two separate occasions unconvicted of any criminal offense, was to be eternally barred from practicing his chosen profession.

The ruling of the Appellate Court misconstrued the effect of this Court's decision in *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 103 S.Ct. 1303, 75 L.Ed.2d 206 (1983), particularly that part of the decision pertaining to the jurisdiction of the District Court to review final determinations made by State Courts in bar application matters.

I

The federal action by the plaintiff here did not constitute an attempt to appeal from a judicial decision of the Supreme Court of the State of New Jersey.

The Courts below in deciding that there was no jurisdiction in the Federal Court for the action brought by Perwin have misconstrued the effect of that action. In *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 103 S. Ct. 1303, 75 L.Ed2d 206 (1983) this Court distinguished between general challenges to State Bar Admission Rules and claims that a State Court had unlawfully denied a particular applicant admission.

It is not disputed that a final judgment in a State Court proceeding may not be upset in an original suit in Federal District Court. See *MacKay v. Nesbett*, 412 F.2d 846 (9th Cir. 1969) *cert. den.* 396 U.S. 960, 90 S. Ct. 435, 24 L.Ed.2d 425 (1969). However, in *Doe v. Pringle*, 550 F.2d 596 (10th Cir. 1976) *cert. den.* 431 U.S. 916, 97 S. Ct. 2179, 53 L.Ed2d, 227 (1977) it was held that a Federal District Court may exercise jurisdiction in the review of an alleged federal constitutional or equal protection deprivation in the State's adoption of or administration of general rules and regulations governing admission to the bar. That decision was cited with approval by this Court in *District of Columbia Court of Appeals v. Feldman*, *supra*.

The 9th Circuit Court of Appeals in *Brown v. Board of Bar Examiners of the State of Nevada*, 623 F.2d, 605 F.2d 605 (9th Cir. 1980) held that the United States District Court may assert jurisdiction to insure that generally applicable rules or procedures do not infringe on constitutionally protected rights. See also, *Peterson v. Sheran*, 635 F.2d 1335 (8th Cir. 1980).

In the courts below the Petitioner Perwin insisted that his action was neither an appeal from an adjudication by the Supreme Court of the State of New Jersey nor a claim of present right to admission to the bar of the State of New Jersey. The action in fact was a lawsuit against the Supreme Court of the State of New Jersey among others complaining that it did not have rules for reinstatement of disbarred attorneys and further had no standards governing the nature and extent of the sanctions to be imposed upon errant attorneys.

In this court in the case of *Supreme Court of Virginia v. Consumer Union*, 446 U.S. 719, 731, 100 S. Ct., 1967, 1974, 64 L.Ed.2d, 641 (1980) it was stated:

"Disciplinary rules are rules of general application and are statutory in character. They are not on parties litigant but on all those who practice law in Virginia. They do not arise out of a controversy which must be adjudicated but instead out of a need to regulate the conduct for the protection of all its citizens. It is evident that, in enacting disciplinary rules the Supreme Court of Virginia is constituted a legislature."

To reiterate, it is the position of Perwin that had he been successful in his litigation the result would not be an order compelling the Supreme Court of New Jersey to readmit him to the practice of law. The most positive

result of that action would have been to require the Supreme Court of the State of New Jersey to set up rules whereby he would be eligible to apply for admission to the bar provided he could meet the criteria established by the court.

The claims presented by Perwin are not inextricably intertwined with the proceedings which took place before the Supreme Court of New Jersey on Perwin's applications for readmission. Petitioner's action is a challenge directed toward actions of the Supreme Court of New Jersey where it acts in non-judicial capacity in the promulgation of rules and regulations governing the bar.

Again, the Petitioner Perwin does not seek the review of a final state court judgment under this Title 28 U.S.C. Sect. 1983 action.

II

The petitioner was not precluded from raising constitutional issues in a civil rights action in the federal court because of a denial of his prior application for readmission to the bar.

The decisions of the courts below go far beyond the application of the concepts of issue and claim preclusion as determined in *Allen v. McCurry*, 449 U.S. 90, 101 S. Ct. 411, 66 L.E.2d 308 (1980) and *Migra v. Warren City School District*, — U.S. —, 104 S. Ct. 892 (1984). In this matter the decision in the trial court renders ineffective the provisions of Title 28 U.S.C. Sec. 1983 and encroaches upon the rights of aggrieved parties as contemplated by the enactment of Title 28 U.S.C. Sec. 1983.

In *Allen v. McCurry*, *supra*, this court held that issues actually litigated in a state court proceeding are entitled

to the same preclusive effect in a subsequent action in the federal court as in the courts of the State wherein the judgment was rendered.

This Court in *Migra, supra.*, held that federal issues that could have been raised but were not raised in an earlier state court proceeding now face the same preclusive effect in subsequent litigation as those issues which were actually raised.

In the matter, sub judice, Perwin's cause of action was separate and distinct from that asserted before the Supreme Court of New Jersey.

In the present action Perwin claimed an unconstitutional adoption, promulgation and administration of the disciplinary rules of the Supreme Court of New Jersey. His complaint singled out the process for an admission and readmission to the state bar. The defendants in this action were the arbiters in the previous action. Consequently, the prior rulings of the Supreme Court of New Jersey can only preclude those questions, issues of fact which were actually litigated in the prior action.

In plain words, the state court proceeding was an application for admission to the bar while the present action is a lawsuit against the members of the rule-making body concerning the rules themselves.

In applying the foregoing principle the courts below went far beyond the scope of *Migra, supra* and *Allen, supra*. Since the constitutionality of the disciplinary rules were neither in direct issue nor collaterally before the Supreme Court of New Jersey, the concepts of issue preclusion or claim preclusion do not bar the federal action.

Perwin could not have proceeded in any forum other than the Supreme Court of New Jersey in his application for readmission to the bar. See N.J. Constitution, Art. 6,

Sec. 2, paragraph 3 (Appendix C). Petitioner was not truly in an offensive posture in his state court proceeding—he could not have litigated initially his federal claim in a federal forum. Only when the application for the license was rejected did his action under Title 28, U.S.C., Sect. 1983, become cognizable.

This situation is distinguished from this court's ruling in *In re Summers*, 325 U.S. 561, 65 S.Ct.1307, 89 L.Ed. 1795 (1945) wherein there was a refusal by the Committee on Character and Fitness to issue the necessary certificate for admission to the bar. The Supreme Court of Illinois affirmed that refusal by the Committee. In *Summers, supra*, the applicant had the option of Title 28 U.S.C. 1983 or pursuing his remedy to the Supreme Court of Illinois. The affirmance of that action laid the foundation for the petition to this court as “a case and controversy.” See *Tang v. Appellate Division of N.Y. First Department*, 487 F.2d 138 (2nd Cir. 1973) *cert. den.* 416 U.S. 906, 94 S.Ct. 1611, 10 L.Ed.2d 111 (1974) wherein an appeal from the Character on Fitness Committee to the Appellate Division of the New York Supreme Court was considered to have a preclusive effect in the federal district court.

In rejecting Perwin's application for readmission to the bar, the Supreme Court of New Jersey performed, no more and no less than, the administrative function of a licensing board. The question therefore arises as to what preclusive effect should be accorded an administrative decision.

In *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U.S. 134, 142, 60 S. Ct. 437, 84 L. Ed. 656 (1940) this court pointed out that modern administrative tribunals are generally the outgrowth of conditions which differ from those applicable to common law courts. Traditionally, courts deal primarily with adversary

proceedings between litigants seeking to adjust conflicting claims. That is not the situation in an application for a professional license.

The applicant was before the Supreme Court of New Jersey not as litigant but, because in its administrative capacity, the court was the only body empowered by the State Constitution to consider the application.

If the holding of the Circuit Court is allowed to stand it will have far reaching effects in areas where the court is both the "first step" toward a professional license and the final arbiter of the same process. State-created rules governing the grant or denial of licenses will no longer have to comply with federal constitutional standards and would be administered at the will of the licensing board especially where the highest court in the state fills the dual role of a licensing board and the court.

III

The rule precluding a disbarred attorney from ever thereafter being readmitted to the practice of law violates the 14th Amendment to the constitution through the creation of an irrebutable presumption of perpetual unfitness.

In the State of New Jersey the court deals with errant attorneys on a case by case basis without ever defining those areas which will warrant "permanent" disbarment or those areas which warrant only a suspension from which eventually reinstatement may follow.²

² In one set of circumstances (i.e.) the embezzlement or misapplication of trust funds the Supreme Court has warned the bar of resultant disbarment. *In re Wilson*, 409 A.2d 53, 81 N.J. 451 (N.J. 1979); *Cf. In re Smock*, 432 A.2d 34, 86 N.J. 426 (N.J. 1981).

By the decision rendered in this matter the courts below have construed the action by Perwin as a continuation of the proceedings before the Supreme Court of New Jersey. In any event the decisions of the court below have effectively approved the actions of the Supreme Court of New Jersey.

One of the pronouncements by the Supreme Court of New Jersey has been that disbarment is permanent. By taking that stance, the New Jersey Court has denied the need for rules which provide for a hearing on application for reinstatement or for that matter any rules which provide for criteria whereby an attorney once disbarred might demonstrate his rehabilitation and therefore his fitness to return to the practice of law.

The policy of the Supreme Court of New Jersey creates a permanent irrebutable presumption that all disbarred attorneys are forever to be a member of the bar of the State of New Jersey. Such presumptions are abhorrent because they preclude any individual determination of the facts upon which substantive rights or obligations may depend. *Cleveland Board of Education v. LaFleur*, 414 U.S. 632, 94 S.Ct. 791, 39 L.Ed.2d, 52 (1974). *Stanley v. Illinois*, 405 U.S. 645, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972). Underlying the irrebutable presumption doctrine, is the recognition that an individual allocation to a specific classification should have the right to a hearing to determine whether in a particular instance that classification treats the individual unreasonably. See: *The Irrebutable Presumption Doctrine in the Supreme Court*, 87 Harvard Law Review, 1534, 1538 (1974).

Recognizing that the condition of permanent preclusion from the practice of law must be related rationally to a legitimate state interest in order to stand, the courts below have brushed away the Petitioner's contentions on

the ground that such a condition is indeed related. It is with that determination that we take issue. A reference to the Rules of Admission of Practice of the various states of the Union including those pertinent to admission in the various federal courts will reveal that in most jurisdictions disbarment is not considered permanent but instead due regard is paid to the potential for reformation and rehabilitation. Upon demonstration of good character and fitness to practice disbarred attorneys have been returned to good standing.

See e.g. *In re Hiss*, 333 N.E.2d 429 (Sup. Jud. Ct. Mass. 1975).

We do not question the need for disciplinary sanctions which from time to time are imposed upon errant attorneys. For the purpose of purifying the bar and protecting the public, the power to sanction is a necessary part of the constitutional function imposed upon the Supreme Court of the State of New Jersey, by its Constitution. See *In The Matter of Infinito*, 462 A.2d 160, 94 N.J. 50 (1983). It is the distinction between disbarment, which is deemed permanent, in New Jersey, and a suspension, which is not, which creates the constitutional issue.

As we have stated, in New Jersey, an attorney who has been suspended from the practice of law as a result of criminal or ethical infractions, may apply for readmission after a stated period. On the other hand, an attorney, who has been disbarred for whatever the reason, and even as here, has never been convicted of a crime, may not ever successfully apply for readmission.

The situation presented by the uneven treatment of lawyer offenders is such that an attorney, who is "only" suspended by the Supreme Court even though guilty of egregious acts, may prove to the court his rehabilitation

and demonstrate his qualifications and thereafter be readmitted. On the other hand, an attorney, who for whatever reasons was disbarred even though his underlying acts were less serious in nature than the suspended attorney, is deemed never capable of rehabilitation and therefore never qualified for re-entry into the bar.

There is no rational relationship between the arbitrary sanction of permanent disbarment and the stated objective of protecting the public.

Where the rules of court or of the Disciplinary Review Board, appointed by the Supreme Court of New Jersey, provide the standards for readmission to practice of suspended attorneys such rules can be equally administered to filter out a disbarred attorney who may conceivably be a potential recidivist.

The American Bar Association has proposed a uniform rule covering potential readmission to the bar after five years has elapsed from the date of disbarment. That rule provides in pertinent part that readmission can be accomplished if the applicant "... can show by clear and convincing evidence: rehabilitation, fitness to practice, competence and compliance with all applicable discipline or disability orders and rules." Rule 6.2, *Standards for Lawyer Discipline and Disability Proceedings*, approved draft, A.B.A. February, 1979.

Even the disciplinary rules of the United States District Court for the District of New Jersey provide for reinstatement to its bar after five years providing certain criteria are met. See Rule 7G United States District Court Rule, District of New Jersey (Appendix D).

Justice Reid in *Scher v. Assoc. of the Bar of the City of New York*, 347 U.S. 388, 393, 74 S. Ct. 569, 573, 98 L.Ed. 790 (1954) stated:

"The court refers to the language of the order, 'permanently disbarred.' This of course should be read as a disbarment subject to reinstatement Reinstatement may follow a sincere and timely change of attitude. . ."

The position of the Supreme Court of the State of New Jersey wherein it deems disbarment permanent, and suspension potentially temporary, and where the court arbitrarily metes out the sanction of disbarment on one hand, or suspension on the other, for equally serious violations, denies equal protection to those disbarred.

CONCLUSION

For the foregoing reasons, this Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

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October 22, 1984

APPENDIX A

**Memorandum Opinion of the United States Court of
Appeals for the Third Circuit**

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

No. 83-5913

STANLEY J. PERWIN,

Appellant,

v.

ROBERT N. WILENTZ, Chief Justice, Supreme Court of New Jersey, ROBERT L. CLIFFORD, SIDNEY M. SCHREIBER, ALLAN B. HANDLER, STEWART G. POLLOCK, DANIEL J. O'HERN and MARIE GARBALDI, Associate Justices of the Supreme Court of New Jersey, STEVEN W. TOWNSEND, Clerk, Supreme Court of New Jersey.

On Appeal from the United States District Court for the
District of New Jersey

Appendix A

(D. C. Civil No. 82-4444)

District Judge: Malcolm Muir

Argued July 19, 1984

Before: SLOVITER, BECKER, *Circuit Judges*, and
FULLAM, *District Judge**

MEMORANDUM OPINION OF THE COURT

(Filed—July 24, 1984)

SLOVITER, *Circuit Judge*.

Stanley J. Perwin, appellant, was a New Jersey attorney disbarred in 1972. He applied for reinstatement in 1974. Following two hearings before the Essex County Ethics Committee, to which the Supreme Court of New Jersey referred his application, the Committee recommended denial and the Supreme Court of New Jersey issued an order denying the motion. Perwin applied again for reinstatement approximately five years later, and the Supreme Court of New Jersey denied his application without opinion.

Perwin then filed an action in the United States District Court for the District of New Jersey under 42 U.S.C. § 1983 against, *inter alia*, the Chief Justice and the Associate Justices of the Supreme Court of New Jersey alleging that his constitutional rights had been infringed. The

* Hon. John P. Fullam, United States District Judge for the Eastern District of Pennsylvania, sitting by designation.

Appendix A

Honorable Malcolm Muir, of the United States District Court for the Middle District of Pennsylvania, was specially designated to hear this matter. Judge Muir granted summary judgment for the defendants, concluding that the district court had no subject matter jurisdiction to review the decision of the state's highest court, and that to the extent that Perwin's challenge to the disciplinary rules might be cognizable, the district court's consideration of that challenge was barred by the doctrine of collateral estoppel because it had been presented to the Supreme Court of New Jersey which had rejected the constitutional claims. The district court also held, alternatively, that even if it could hear Perwin's constitutional claims they were without merit and must be denied.

We have reviewed the record and the applicable law, and have given Perwin an opportunity to have his contentions presented in oral argument. We conclude that the district court was correct. Under the recent Supreme Court decision in *District of Columbia Court of Appeals v. Feldman*, 103 S. Ct. 1303 (1983), the district court does not have jurisdiction to review final determinations made by a state court in individual petitions in bar application matters, since they are considered to be judicial proceedings. The New Jersey court adjudicated Perwin's claim and rejected it; hence, there was no jurisdiction in the district court. To the extent that Perwin presented an independent, facial challenge to the disciplinary rules, the district court was barred from considering that claim because Perwin's federal constitutional claims were raised by him before the New Jersey court, although they were not discussed by the New Jersey Supreme Court. Finally, we agree with the district court that were we to reach the merits, the action of the Supreme Court of New Jersey

Appendix A

in imposing attorney discipline on a case-by-case basis is rationally related to a legitimate state interest, and hence Perwin's constitutional claims must fail.

We will affirm the judgment of the district court.

TO THE CLERK:

Please file the foregoing opinion.

Circuit Judge

APPENDIX B**Constitutional Provision Involved
Amendment XIV**

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the

Appendix B

United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

APPENDIX C

**New Jersey Constitutional Provision Involved
Article 6, Section 2 Paragraph 3**

3. *Supreme Court rules; admission to practice law; discipline of persons admitted*

3. The Supreme Court shall make rules governing the administration of all courts in the State and, subject to the law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.

APPENDIX D

**United States District Court Rule, District of New Jersey
Rule 7G**

G. Reinstatement.

1. After Disbarment or Suspension. An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this court.

2. Time of Application Following Disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

